

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 309 & 73**  
**97TH GENERAL ASSEMBLY**

0802H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To amend chapter 478, RSMo, by adding thereto five new sections relating to the veterans treatment intervention act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 478, RSMo, is amended by adding thereto five new sections, to be  
2 known as sections 478.1100, 478.1105, 478.1110, 478.1115, and 478.1120, to read as follows:

**478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the**  
2 **"Veterans Treatment Intervention Act".**

3 **2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:**  
4 **(1) "Servicemember", any person serving as a member of the United States Armed**  
5 **Forces on active duty or state active duty and all members of the Missouri National Guard**  
6 **and United States Reserve Forces;**

7 **(2) "Veteran", any person defined as a veteran by the United States Department**  
8 **of Veterans Affairs or its successor agency.**

**478.1105. The presiding judge of any judicial circuit or a combination of circuit**  
2 **courts, upon agreement of the presiding judges of such circuit courts, in this state may**  
3 **establish a "Military Veterans and Servicemembers Court Program" under which veterans**  
4 **and servicemembers who suffer from a military-related mental illness, traumatic brain**  
5 **injury, substance abuse disorder, or psychological problem may be sentenced in a manner**  
6 **that appropriately addresses the severity of the mental illness, traumatic brain injury,**  
7 **substance abuse disorder, or psychological problem through services tailored to the**  
8 **individual needs of the participant. Entry into any military veterans and servicemembers**  
9 **court program shall be based upon the sentencing court's assessment of the defendant's**  
10 **criminal history, military service, substance abuse treatment needs, mental health**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 treatment needs, amenability to the services of the program, the recommendation of the  
12 prosecuting attorney and the victim, if any, and the defendant's agreement to enter the  
13 program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in  
2 subsection 2 of this section, identified as a veteran or servicemember who suffers from a  
3 military service-related mental illness, traumatic brain injury, substance abuse disorder,  
4 or psychological problem is eligible for admission into a veterans' treatment intervention  
5 program approved by the presiding judge of the circuit upon motion of either party or the  
6 court's own motion, except:

7 (1) If a defendant was previously offered admission to a veterans' treatment  
8 intervention program at any time before trial and the defendant rejected such offer on the  
9 record, the court may deny the defendant's admission to such a program;

10 (2) If a defendant previously entered a court-ordered veterans' treatment program,  
11 the court may deny the defendant's admission into the veterans' treatment program.

12

13 In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120  
14 shall apply to any offense committed by a holder of a commercial driver's license or any  
15 person operating a commercial motor vehicle when the offense was committed, if the  
16 provisions of sections 478.1100 to 478.1120 as applied to such offenses results in this state's  
17 failure to comply with applicable federal laws and regulations.

18 2. Any person charged with the following felonies, including attempt of such  
19 felonies, shall not be eligible for admission into a veterans' treatment intervention program  
20 under sections 478.1100 to 478.1120:

21 (1) Murder or manslaughter under chapter 565;

22 (2) Kidnapping or false imprisonment under chapter 565;

23 (3) Aggravated assault under chapter 565;

24 (4) Stalking under chapter 565;

25 (5) Elder abuse under chapter 565;

26 (6) Sexual offenses under chapter 566;

27 (7) Offenses against the family under chapter 568;

28 (8) Robbery or burglary under chapter 569;

29 (9) Arson under chapter 569;

30 (10) Water contamination under chapter 569;

31 (11) Child pornography under chapter 573;

32 (12) Treason; and

33           **(13) Any offense committed in another jurisdiction which would be a felony offense**  
34 **listed in this subsection if committed in this state.**

35           **3. (1) While enrolled in an intervention program authorized by this section, the**  
36 **participant shall be subject to a coordinated strategy developed by a veterans' treatment**  
37 **intervention team. The coordinated strategy shall be modeled after the therapeutic**  
38 **jurisprudence principles and key components listed in subdivision (2) of this subsection,**  
39 **with treatment specific to the needs of veterans and servicemembers. The coordinated**  
40 **strategy may include a protocol of sanctions that may be imposed upon the participant for**  
41 **noncompliance with program rules. The protocol of sanctions may include, but not be**  
42 **limited to, placement in a treatment program offered by a licensed service provider or in**  
43 **a jail-based treatment program. The coordinated strategy shall be provided in writing to**  
44 **the participant before the participant agrees to enter into a veterans' treatment**  
45 **intervention program or other intervention program. Any person whose charges are**  
46 **dismissed after successful completion of the veterans' treatment intervention program, if**  
47 **otherwise eligible, may have his or her arrest record of the dismissed charges expunged**  
48 **under chapter 610.**

49           **(2) The treatment program shall include:**

50           **(a) Integrate alcohol and other drug treatment services with justice system case**  
51 **processing;**

52           **(b) Use a nonadversarial approach in which prosecution and defense counsel**  
53 **promote public safety while protecting participants' due process rights;**

54           **(c) Eligible participants are identified early and promptly placed in the treatment**  
55 **program;**

56           **(d) The treatment program provides access to a continuum of alcohol, drug, and**  
57 **other related treatment and rehabilitation services;**

58           **(e) Abstinence is monitored by frequent and random testing for alcohol and other**  
59 **drugs;**

60           **(f) A coordinated strategy governs treatment program responses to participants'**  
61 **compliance;**

62           **(g) Ongoing judicial interaction with each treatment program participant is**  
63 **essential;**

64           **(h) Monitoring and evaluation measure the achievement of program goals and**  
65 **gauge treatment program effectiveness;**

66           **(i) Continuing interdisciplinary education promotes effective treatment program**  
67 **planning, implementation, and operations;**

68           (j) Forging partnerships among treatment programs, public agencies, and  
69 community-based organizations generates local support and enhances treatment program  
70 effectiveness.

71           4. At the end of the intervention period, the court shall consider the  
72 recommendation of the treatment program and the recommendation of the prosecuting  
73 attorney as to disposition of the pending charges. The court shall determine, by written  
74 finding, whether the defendant has successfully completed the intervention program. If  
75 the court finds that the defendant has not successfully completed the intervention program,  
76 the court may order the person to continue in education and treatment, which may include  
77 treatment programs offered by licensed service providers or jail-based treatment  
78 programs, or order that the charges revert to normal channels for prosecution. The court  
79 shall dismiss the charges upon a finding that the defendant has successfully completed the  
80 intervention program.

          478.1115. 1. Any veteran or servicemember who suffers from a military service-  
2 related mental illness, traumatic brain injury, substance abuse disorder, or psychological  
3 problem, and who is charged with a misdemeanor is eligible for admission into a veterans'  
4 treatment intervention program approved by the presiding judge of the circuit for a period  
5 based on the program's requirements and the treatment plan for the offender, upon motion  
6 of either party or the court's own motion. However, the court may deny the defendant  
7 admission into a veterans' treatment intervention program if the defendant has previously  
8 entered a court-ordered veterans' treatment program.

9           2. While enrolled in an intervention program authorized by this section, the  
10 participant shall be subject to a coordinated strategy developed by a veterans' treatment  
11 intervention team. The coordinated strategy shall be modeled after the therapeutic  
12 jurisprudence principles and key components in subdivision (2) of subsection 3 of section  
13 478.1110, with treatment specific to the needs of veterans and servicemembers. The  
14 coordinated strategy may include a protocol of sanctions that may be imposed upon the  
15 participant for noncompliance with program rules. The protocol of sanctions may include,  
16 but not be limited to, placement in a treatment program offered by a licensed service  
17 provider or in a jail-based treatment program. The coordinated strategy shall be provided  
18 in writing to the participant before the participant agrees to enter into a veterans'  
19 treatment intervention program. Any person whose charges are dismissed after successful  
20 completion of the veterans' treatment intervention program, if otherwise eligible, may have  
21 his or her arrest record of the dismissed charges expunged under chapter 610.

22           3. At the end of the intervention period, the court shall consider the  
23 recommendation of the treatment program and the recommendation of the prosecuting

24 attorney as to disposition of the pending charges. The court shall determine, by written  
25 finding, whether the defendant successfully completed the intervention program.  
26 Notwithstanding the coordinated strategy developed by a team under subdivision (2) of  
27 subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the  
28 court finds that the defendant has not successfully completed the intervention program,  
29 the court may order the person to continue in education and treatment or return the  
30 charges to the criminal docket for prosecution. The court shall dismiss the charges upon  
31 finding that the defendant has successfully completed the intervention program.

32 4. Any public or private entity providing a substance abuse education and  
33 treatment program under this section shall contract with the county or appropriate  
34 governmental entity. Except for services provided by the United States Department of  
35 Veterans Affairs, the terms of the contract shall include, but not be limited to, the following  
36 requirements:

37 (1) The extent of the services to be rendered by the entity providing supervision or  
38 rehabilitation;

39 (2) Staff qualifications and criminal record checks of staff in accordance with  
40 essential standards established by the American Correctional Association;

41 (3) Staffing levels;

42 (4) The number of face-to-face contacts with the offender;

43 (5) Procedures for handling the collection of all offender fees and restitution;

44 (6) Procedures for handling indigent offenders which ensure placement irrespective  
45 of ability to pay;

46 (7) Circumstances under which revocation of an offender's probation may be  
47 recommended;

48 (8) Reporting and record-keeping requirements;

49 (9) Default and contract termination procedures;

50 (10) Procedures that aid offenders with job assistance; and

51 (11) Procedures for accessing criminal history records of probationers. In addition,  
52 the entity shall supply the presiding judge's office with a quarterly report summarizing the  
53 number of offenders supervised by the private entity, payment of the required contribution  
54 under supervision or rehabilitation, and the number of offenders for whom supervision or  
55 rehabilitation will be terminated. All records of the entity shall be open to inspection upon  
56 the request of the county, the court, the state auditor, and the office of administration, or  
57 agents thereof.

2 478.1120. For a person on probation who is a veteran or servicemember who  
suffers from a military service-related mental illness, traumatic brain injury, substance

3 abuse disorder, or psychological problem, the court may, in addition to any other  
4 conditions imposed, impose a condition requiring the probationer to participate in a  
5 treatment program capable of treating the probationer's mental illness, traumatic brain  
6 injury, substance abuse disorder, or psychological problem. The court shall give  
7 preference to treatment programs for which the probationer is eligible through the United  
8 States Department of Veterans Affairs. The department of corrections is not required to  
9 spend state funds to implement this subsection.

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